



State of Washington
PUBLIC DISCLOSURE COMMISSION

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9:00 a.m.
September 3, 2003

MINUTES – SPECIAL MEETING

Evergreen Plaza Bldg. Room 206
711 Capitol Way South
Olympia, Washington

COMMISSION MEMBERS PRESENT

Susan Brady, Chair
Lois Clement, Vice Chair
Earl Tilly, Secretary
Francis Martin, Member
Michael Connelly, Member

STAFF PRESENT

Vicki Rippie, Executive Director
Susan Harris, Assistant Director
Michael Smith, Chief Technology Officer
Nancy Krier, Asst. Attorney General
Linda Dalton, Sr. Asst. Attorney General
Ruthann Bryant, Secretary

The special meeting of the Public Disclosure Commission was called to order by Commission Chair Susan Brady at 9:00 a.m. in the Evergreen Plaza Building, Room 206, Olympia, Washington.

Commissioner Comments

Commissioner Tilly noted that he recently attended a function with some legislators and received several compliments regarding PDC staff. He expressed his appreciation to the staff for their efforts.

Citizen Comments/Concerns

No citizen comments or concerns were expressed.

Minutes

Motion 04-007

Moved by Commissioner Martin, seconded by Commissioner Tilly:

**The Commission adopts the minutes
of the special meeting of July 29,
2003, as written.**

Voting For: Commissioners Tilly, Martin, Brady
and Connelly.

Not Voting: Commissioner Clement.

The motion passed.

Enforcement Matters
Hearings

Mr. Stutzman noted that the first six enforcement hearings are in the fourth occasion category on the Commission's Statement of Financial Affairs Penalty Schedule and, as such, are being brought before the full Commission for consideration.

David Thompson, Case #03-450

Mr. Stutzman summarized the case against David Thompson for an alleged violation of RCW 42.17.240 by failing to timely file the Statement of Financial Affairs by April 15, 2003. He noted that Mr. Thompson has had two prior stipulations and one prior brief enforcement hearing. The F1 was filed this morning.

Mr. Thompson was present and stated that he is very busy and he simply did not have time to complete the form.

Motion 04-008

Moved by Commissioner Connelly, seconded by Commissioner Tilly:

**The Commission finds a violation of
RCW 42.17.240 in PDC Case #03-450,
David Thompson.**

Voting For: Commissioners Connelly, Brady, Tilly
and Martin.

Not Voting: Commissioner Clement.

The motion passed.

Motion 04-009

Moved by Commissioner Connelly, seconded by Commissioner Martin:

In PDC Case #03-450, David Thompson, the Commission assesses a penalty of \$500 with \$250 suspended based on the condition that the 2004 Statement of Financial Affairs, due April 15, 2004, is timely filed.

Voting For: Commissioners Connelly, Brady, Tilly and Martin.

Not Voting: Commissioner Clement.

The motion passed.

Walter Mazna, Case #03-363

Mr. Stutzman summarized the case against Walter Mazna for an alleged violation of RCW 42.17.240 by failing to timely file the Statement of Financial Affairs by April 15, 2003. Mr. Mazna has had two prior brief enforcement hearings and one prior full enforcement hearing. All outstanding penalties have been paid. However, if a violation is found, staff recommends that the suspended \$250 in PDC Case #01-471 be reinstated. The 2003 F1 was filed on June 15, 2003

Mr. Mazna was present and stated that he does not dispute the facts. The first two violations were a result of consolidation issues in his fire district and he understands that it is his responsibility to complete the forms.

Motion 04-010

Moved by Commissioner Connelly, seconded by Commissioner Tilly:

The Commission finds a violation of RCW 42.17.240 in PDC Case #03-363, Walter Mazna.

The motion passed unanimously.

Motion 04-011

Moved by Commissioner Connelly, seconded by Commissioner Martin:

In PDC Case #03-363, Walter Mazna, the Commission assesses a penalty of \$500 and reinstates the \$250 suspended penalty in PDC Case #01-471.

The motion passed unanimously.

Patricia Medveckus, Case #03-375

Mr. Stutzman summarized the case against Patricia Medveckus for an alleged violation of RCW 42.17.240 by failing to timely file the Statement of Financial Affairs by April 15, 2003. Ms. Medveckus has had three prior brief enforcement hearings and all outstanding penalties have been referred to the Office of the Attorney General for collection. A stipulated judgment was entered and a payment plan has been set up. Out of \$1,360 owed, \$50 has been paid. The F1 has not been filed.

The Commission attempted to contact Ms. Medveckus via telephone, however she was unavailable to answer the call.

Motion 04-012

Moved by Commissioner Tilly, seconded by Commissioner Martin:

The Commission finds a violation of RCW 42.17.240 in PDC Case #03-375, Patricia Medveckus.

The motion passed unanimously.

Motion 04-013

Moved by Commissioner Martin, seconded by Commissioner Clement:

The Commission assesses a penalty of \$1,000 in PDC Case #03-375, Patricia Medveckus.

The motion passed unanimously.

Harry Oestreich, Case #03-390

Mr. Stutzman summarized the case against Harry Oestreich for an alleged violation of RCW 42.17.240 by failing to timely file the Statement of Financial Affairs by April 15, 2003. Mr. Oestreich has had one prior stipulation and two prior brief enforcement hearings. All outstanding penalties have been paid. The F1 has not been filed.

Motion 04-014

Moved by Commissioner Tilly, seconded by Commissioner Martin:

The Commission finds a violation of RCW 42.17.240 in PDC Case #03-390, Harry Oestreich.

The motion passed unanimously.

Motion 04-015

Moved by Commissioner Connelly, seconded by Commissioner Martin:

The Commission assesses a penalty of \$500 in PDC Case #03-390, Harry Oestreich.

The motion passed unanimously.

Michele Yapp, Case #03-465

Mr. Stutzman summarized the case against Michele Yapp for an alleged violation of RCW 42.17.240 by failing to timely file the Statement of Financial Affairs by April 15, 2003. Ms. Yapp has had two prior stipulations and a brief enforcement hearing. All outstanding penalties have been paid. The F1 was received on May 28, 2003.

Ms. Yapp provided a letter and was present via telephone and stated that she completed the form on the computer and mailed it on May 17, 2003. She does not know why it was not received by the PDC.

Motion 04-016

Moved by Commissioner Connelly, seconded by Commissioner Martin:

The Commission finds a violation of RCW 42.17.240 in PDC Case #03-465, Michele Yapp.

The motion passed unanimously.

Motion 04-017

Moved by Commissioner Connelly, seconded by Commissioner Martin:

In PDC Case #03-465, Michele Yapp, the Commission assesses a penalty of \$500 with \$250 suspended based on the condition that the 2004 Statement of Financial Affairs, due April 15, 2004, is timely filed.

The motion passed unanimously.

Derek Young, Case #03-466

Mr. Stutzman summarized the case against Derek Young for an alleged violation of RCW 42.17.240 by failing to timely file the Statement of Financial Affairs by April 15, 2003. Mr. Young has had two prior brief enforcement hearings and a full enforcement hearing. All outstanding penalties have been paid, however if a violation is found in this case, staff recommends the \$500 suspended portion of Case #01-684 be reinstated.

Mr. Stutzman reported that Mr. Young filed the form electronically on April 15, 2003 however the signature card was not received until June 2, 2003 and therefore the F1 submitted by Mr. Young was not considered filed.

Mr. Young was present via telephone and stated that he filed the form electronically on the required deadline. He noted that he was unaware of the signature card requirement at the time.

Motion 04-018

Moved by Commissioner Connelly, seconded by Commissioner Tilly:

The Commission continues PDC Case #03-466, Derek Young, for one year. If the F-1 report is filed timely

in 2004, the case will automatically be dismissed. If not, Case #03-466 will be brought back to the Commission for consideration.

The motion passed unanimously.

William Spalding, Case #00-779

Mr. Stutzman requested that the Commission vacate an order entered January 14, 2000 because it contains a factual error. The order stated that Mr. Spaulding violated RCW 42.17.050 by failing to file the Candidate Registration form, however, Mr. Spaulding's C1 was received on October 25, 1999, before the date of the hearing.

Motion 04-019

Moved by Commissioner Tilly, seconded by Commissioner Clement:

The Commission vacates the order in PDC Case #00-779, William Spalding.

The motion passed unanimously.

Requests for Review

James McMahan Case #03-479

Mr. Stutzman reported that a brief enforcement hearing was held on June 12, 2003, in which Mr. McMahan was found in violation of RCW 42.17.170 for failure to timely file monthly Lobbyist Expense Reports for the months of February, March, and April 2003. Mr. McMahan was assessed a penalty of \$500 and the forms were filed on June 13, 2003.

Mr. McMahan was present and stated that he thought that his staff at Washington State University would file the forms. He noted that he did not receive any of the warning letters or notices since they were sent to his office in Pullman.

There was no motion to review this matter.

Janice Avery, Case #03-469 and Case #04-011

Mr. Stutzman reported that a brief enforcement hearing was held on June 12, 2003, in which Ms.

Avery was found in violation of RCW 42.17.170 for failure to timely file monthly Lobbyist Expense Reports for March and April 2003. Ms. Avery was assessed a penalty of \$300 and the forms were filed on July 30, 2003. He noted that Ms. Avery was also assessed a penalty of \$100 for a prior violation.

Ms. Avery provided a letter and was present via telephone and apologized for the late submission of the forms. She also stated that she believes that a timing issue resulted in two separate violations. She requested that both penalties be waived.

There was no motion to review this matter.

Thomas Foster, Case #03-301

Mr. Stutzman reported that a brief enforcement hearing was held on June 12, 2003 in which Mr. Foster was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Foster was assessed a penalty of \$150 and the form was filed on June 17, 2003.

Mr. Foster provided a letter and was present via telephone and stated that he suffered a work related injury in February and due to the stress of the injury, he did not get the form filed timely.

There was no motion to review this matter.

Ronald Johnson, Case #03-335

Mr. Stutzman reported that a brief enforcement hearing was held on June 12, 2003 in which Mr. Johnson was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Johnson was assessed a penalty of \$150 and the form was filed on July 17, 2003 along with the stipulated penalty amount of \$100.

Mr. Johnson was present via telephone and requested that the Commission reduce the penalty to the \$100 already remitted. He added that he had not been receiving his mail in a timely manner and he submitted the penalty amount in response to the stipulation offer.

There was no motion to review this matter.

Steven Kunkel, Case #03-344

Mr. Stutzman reported that a brief enforcement hearing was held June 12, 2003 in which Mr. Kunkel was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Kunkel was assessed a penalty of \$500. Staff recommends dismissal of the case due to his resignation.

Mr. Kunkel provided a letter and was present via telephone.

Motion 04-020

Moved by Commissioner Connelly, seconded by Commissioner Clement:

The Commission dismisses PDC Case #03-344, Steven Kunkel.

The motion passed unanimously.

Joe Mitschelen, Case #03-380

Mr. Stutzman reported that a brief enforcement hearing was held June 12, 2003 in which Mr. Mitschelen was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Mitschelen was assessed a penalty of \$100 and the form was filed on May 29, 2003.

Mr. Mitschelen provided a letter and was present via telephone and stated that he was out of town and did not have sufficient opportunity to respond to the reminder letter.

There was no motion to review this matter.

Nicole Paquette, Case #03-483

Mr. Stutzman reported that a brief enforcement hearing was held June 12, 2003 in which Ms. Paquette was found in violation of RCW 42.17.170 for failure to time file monthly Lobbyist Expense Reports for March, April and May. Ms. Paquette was assessed a penalty of \$300.

Ms. Paquette provided a letter and was present via telephone and stated that she was present in Olympia on only two occasions and testified at one hearing.

Vicki Rippie noted that based on Ms. Paquette's sworn testimony it appears that she qualifies for an exemption from registering and reporting since she does not meet the 4-day threshold for registering as a lobbyist in the state.

Motion 04-021

Moved by Commissioner Connelly, seconded by Commissioner Tilly:

The Commission dismisses PDC Case #03-483, Nicole Paquette.

The motion passed unanimously.

Walter Tennant, Case #03-445

Mr. Stutzman reported that a brief enforcement hearing was held on June 12, 2003 in which Mr. Tennant was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Tennant was assessed a penalty of \$500 and the form was filed electronically on June 13, 2003. Mr. Stutzman noted that Mr. Tennant has had two prior stipulations.

Mr. Tennant was present via telephone and requested that the penalty be reduced.

Motion 04-022

Moved by Commissioner Connelly, seconded by Commissioner Clement:

In PDC Case #03-445, Walter Tennant, the Commission assesses a penalty of \$500 with \$250 suspended based on the condition that the 2004 Statement of Financial Affairs, due April 15, 2004, is timely filed.

The motion passed unanimously.

Executive Session

The Commission went into executive session at 12:15 p.m. to discuss pending and potential litigation with legal counsel.

Public Session

The Commission returned to public session at 1:05 p.m.

Requests for Review (cont.)

Ben Medina, Case #03-234

Mr. Stutzman noted that Mr. Medina requests that his case be continued for one month so that he may attend.

Keith Thurman, Case #03-452

Mr. Stutzman noted that Mr. Thurman has withdrawn his request for review.

David Berry, Case #03-230

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Mr. Berry was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Berry was assessed a penalty of \$150. The form has not been filed.

Cliff Berry, brother of the Respondent, spoke with Tony Perkins and stated that the form was timely filed and when he called PDC staff he was told that we would look into the missing filing. No staff member could be identified either by Mr. Berry or by PDC staff.

There was no motion to review this matter.

Leela Covey, Case #03-280

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Ms. Covey was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Ms. Covey was assessed a penalty of \$150. The form has not been filed.

Ms. Covey provided a letter that stated she did not think that the F1 report applied to her and requested leniency in the penalty amount.

Commissioner Brady suggested that a payment schedule be arranged.

There was no motion to review this matter.

Robert Dompier, Case #03-290

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Mr. Dompier was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Dompier was assessed a penalty of \$150. The form has not been filed.

There was no motion to review this matter.

Jim Hill, Case #03-318

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Mr. Hill was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Berry was assessed a penalty of \$125 and the form was filed on May 30, 2003.

Mr. Hill provided an email and stated that he mailed the form at the same time he mailed his tax forms and does not know why it was not received by the PDC.

There was no motion to review this matter.

Cathleen McKeown, Case #03-371

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Ms. McKeown was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Ms. McKeown was assessed a penalty of \$150 and the form was filed on June 16, 2003.

There was no motion to review this matter.

Michael Pollock, Case #03-405

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Mr. Pollock was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Pollock was assessed a penalty of \$150 and the form was received on August 27, 2003.

There was no motion to review this matter.

Margo Powell, Case #03-406

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Ms. Powell was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Ms. Powell was assessed a penalty of \$300. The form has not been filed.

There was no motion to review this matter.

Dennis Rew, Case #03-412

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Mr. Rew was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Rew was assessed a penalty of \$100 and the form was filed on June 2, 2003.

Mr. Rew provided a letter stating that he is unable to pay the penalty.

Commissioner Brady requested that a payment schedule be arranged.

There was no motion to review this matter.

Bill Schmitt, Case #03-425

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Mr. Schmitt was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Schmitt was assessed a penalty of \$100 and the form was filed on May 28, 2003.

Mr. Schmitt provided a letter that stated he filed the F1A form on April 11, another on May 27th and a full F1 report on June 11.

There was no motion to review this matter.

Deborah Vancil, Case #03-455

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Ms. Vancil was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Ms. Vancil was assessed a penalty of \$150. The form has not been filed.

There was no motion to review this matter.

Joan Young, Case #03-467

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Ms. Young was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Ms. Young was assessed a penalty of \$100 and the form was filed on June 9, 2003.

There was no motion to review this matter.

Kip Calaway, Case #03-271

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Mr. Calaway was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Calaway was assessed a penalty of \$500 and the form has not been filed. Mr. Stutzman noted that Mr. Calaway has had one prior stipulation and one prior brief enforcement hearing.

Motion 04-023

Moved by Commissioner Connelly, seconded by Commissioner Tilly:

In PDC Case #03-271, Kip Calaway, the Commission assesses a penalty of \$500 with \$100 suspended based on the condition that the 2004 Statement of Financial Affairs, due April 15, 2004, is timely filed.

The motion passed unanimously.

Milton Fearn, Case #03-295

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Mr. Fearn was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Mr. Fearn was assessed a penalty of \$500 and the form has not been filed. Mr. Stutzman noted that Mr. Fearn has had two prior brief enforcement hearings.

Commissioner Brady suggested that a payment schedule be arranged.

There was no motion to review this matter.

Janice Latch, Case #03-349

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Ms. Latch was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Ms. Latch was assessed a penalty of \$500 and the form has not been filed. Mr. Stutzman noted that Ms. Latch has had one prior stipulation and one prior brief enforcement hearing.

There was no motion to review this matter.

Donna Mettler #03-376

Mr. Stutzman reported that a brief enforcement was held on June 12, 2003 in which Ms. Mettler was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Ms. Mettler was assessed a penalty of \$500 and the form was filed on July 21, 2003. Mr. Stutzman noted that Ms. Mettler has had one prior stipulation and one prior brief enforcement hearing.

Motion 04-024

Moved by Commissioner Connelly, seconded by Commissioner Martin:

In PDC Case #03-376, Donna Mettler, the Commission assesses a penalty of \$500 with \$100 suspended based on the condition that the 2004 Statement of Financial Affairs, due April 15, 2004, is timely filed.

The motion passed unanimously.

Request for Reconsideration

Kathleen McMonigal, Case #03-373

Mr. Stutzman reported that a brief enforcement hearing was held June 12, 2003, in which Ms. McMonigal was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. Ms. McMonigal was assessed a penalty of \$400 and the form was filed on May 31, 2003. Mr. Stutzman noted that Ms. McMonigal has had two prior stipulations.

Ms. McMonigal submitted a letter stating that she resigned her position on May 23, 2003.

Motion 04-025

Moved by Commissioner Connelly, seconded by Commissioner Tilly:

In PDC Case #03-373, Kathleen McMonigal, the Commission assesses a penalty of \$400 with \$200 suspended based on the condition that the 2004 Statement of Financial Affairs, due April 15, 2004, is timely filed.

The motion passed unanimously.

Personal Financial Affairs Reporting

New Modification Requests

*Richard Hartman, candidate for
School Director, Montesano SD*

Mr. Stutzman reported that Mr. Hartman requests an exemption from reporting the business and governmental customers of Five Star Motors, Inc. DBA Five Star Toyota, Chevrolet, Buick, Pontiac & Mitsubishi; Five Star Ford Lincoln Mercury, Inc.; and One Star Motors, Inc. of which he is president. He noted that Interpretation 02-05 for Motor Vehicle Dealers applies, however Mr. Hartman is asking for relief from the standard protocol due to the \$7,500 threshold.

Mr. Hartman and his campaign treasurer, Scott Pollack, were present and Mr. Pollack stated that the Federal Trade Commission has privacy laws that require that no information regarding customers be disclosed. He also noted that none of the businesses are located in or near Montesano.

Motion 04-026

Moved by Commissioner Connelly, seconded by Commissioner Tilly:

The Commission continues the request until legal counsel can explore privacy laws and their relation to disclosure

laws. Commission staff will also look into a possible amendment of Interpretation 02-05 to raise the threshold for reporting business and governmental customers by motor vehicle dealers.

The motion passed unanimously.

*Rebecca Stillings, candidate for
School Director, Rainier School
District #307*

Mr. Stutzman reported that Ms. Stillings requests an exemption from reporting the business and governmental customers of Curtis Lumber Co. Inc., of which she and her spouse are 50% owners. He noted that Ms. Stillings has reported for the school district and there are no governmental customers.

Ms. Stillings was present and stated that releasing the customer list would negatively impact the business and put the business at a competitive disadvantage. She noted that she would opt out of any school board decision to award a construction contract where a Curtis Lumber account or prospective account is bidding on the business.

Motion 04-027

Moved by Commissioner Connelly, seconded by Commissioner Clement

The Commission grants a reporting modification to Rebecca Stillings for business customers only.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

*Nancy Whitten, candidate for City
Council, City of Sammamish*

Mr. Stutzman reported that Ms. Whitten requests and exemption from reporting payments received by the Washington State Medical Association (WSMA) from the City of Sammamish, and from reporting the business and governmental customers of WSMA of which her spouse is a trustee.

Ms. Whitten provided a letter stating that she has requested that the WSMA provide a list of payments of any amount to the WSMA by the City of Sammamish and payments to the WSMA from business and governmental customers of over \$7,500 over the past 12- months to include the purpose of the payments. She added that to date she has not received a response from them.

The Commission continues this request for one month to allow time for WSMA to respond and provide written documentation of their decision to the Commission.

*John Grinter, candidate for
Commissioner, Bainbridge Island
Park & Recreation District*

Mr. Stutzman reported that Mr. Grinter requests an exemption from reporting the business and governmental customers of Riddell Williams, PS, of which his spouse is a partner. Mr. Stutzman noted that Interpretation 02-03 for Lawyers and Law Firms would apply.

Motion 04-028

Moved by Commissioner Connelly, seconded by Commissioner Clement:

The Commission grants the reporting modification to John Grinter as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

*Jack Pittis, candidate for
City Council, City of Port Angeles*

Mr. Stutzman reported that Mr. Pittis requests an exemption from reporting the business and governmental customers of American Public Works Association of which he is national director.

Motion 04-029

Moved by Commissioner Connelly, seconded by Commissioner Martin:

The Commission grants the reporting modification to Jack Pittis as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

Renewals (no changes)
*Kirk Michels, School Director,
Grandview School District #105*

Mr. Stutzman noted that Mr. Michels requested that his request be continued for one month so he could attend the meeting.

The remaining "renewals with no changes" reporting modification requests were considered en masse.

Motion 04-030

Moved by Commissioner Connelly, seconded by Commissioner Martin:

The Commission grants the reporting modifications requested by Kristine Mikkelsen and Douglas Schafer.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

Amended Modification Request
Michael Kelley, Mayor, City of Fife

Mr. Stutzman reported Mr. Kelley requests that the Commission reconsider its order of June 20, 2003, which requires that he report the business and governmental customers, except for soil contamination treatment customers, of Fife Sand & Gravel LLC of which he is owner for 1999 through 2002.

Mr. Kelley provided a letter requesting that his order be amended to require the information for 2001 and 2002, which he has provided. He noted that it would be an extreme hardship to go through boxes of paper invoices to compile the information for 1999 and 2000.

Motion 04-031

Moved by Commissioner Connelly, seconded by Commissioner Tilly:

The Commission amends the previous modification granted to Michael Kelley as requested.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

Strategic Plan Progress Report

Vicki Rippie updated the Commission on revisions incorporated into the Strategic Plan following the Commission's retreat in June and provided a brief progress report.

Ms. Rippie requested approval on the revised plan and the Commission expressed no objections.

Rule Making

Discussion of potential rule making

WAC 390-05-400 Changes in
Dollar Amounts

Mr. Ellis briefly discussed RCW 42.17.690 which requires the Commission to increase or decrease the dollar amounts established by Initiative 134 at the beginning of each even-number year and provided recommended dollar amounts to reflect inflationary changes.

If approved, the proposed language will be filed with the Code Reviser Office and a public hearing will be scheduled for October.

Motion 04-032

Moved by Commissioner Connelly, seconded by Commissioner Martin:

The Commission approves the draft language and authorizes staff to move forward with the rule-making process.

The motion passed unanimously.

Chapter 390-37 WAC –
PDC Enforcement Hearing Rules

Mr. Ellis also summarized proposed language to update PDC enforcement hearing (adjudicative proceeding) rules which would create 8 new rules and amend 19 current rules. He noted that a stakeholder meeting was held on July 22, 2003 to give all interested persons an opportunity to participate in the process and one person provided comment.

Assistant Attorney General Nancy Krier reported on the background and case law regarding proposed new rule, WAC 390-37-041, relating to citizen action complaints filed under RCW 42.17.400(4) to address the concerns received from one member of the public.

Ms. Krier also suggested that the Commission include a proviso to penalty schedules clarifying that an “occasion” means an established violation. The Commission concurs.

Motion 04-033

Moved by Commissioner Connelly, seconded by Commissioner Clement:

The Commission approves draft language and authorizes staff to move forward with the rule-making process.

The motion passed unanimously.

Staff Reports

Executive Director

Vicki Rippie thanked Susan Harris and Michael Smith for their assistance while she was out of town. She also reported on the end of the biennium budget status.

Assistant Director

Susan Harris and Michael Smith provided a brief demonstration of a streaming video, a communication tool that staff anticipates using to train filers in 2004 and beyond. She also highlighted portions of the 2002 Election Financing Fact Book.

Chief Technology Officer

Michael Smith updated the Commission on the status of the ORCA system and noted that staff testing is ongoing.

Adjournment

Commissioner Brady adjourned the meeting at 2:25 p.m. The next meeting is scheduled for Thursday, September 25, 2003.

Approved by the Commission 10/28/03